

CQ537

NEPA Task Force
P.O. Box 221150
Salt Lake City, UT 84122

September 23, 2002

Subject: Comments Regarding Review of NEPA Regulations

I appreciate the Bush Administration's interest in reviewing NEPA CEQ regulations. I am a member of the Kane County, Utah, Resource Development Committee and an unopposed candidate for the office of Kane County Commission. I have also taken the lead in preparing comments and protests for the Kane County Commission regarding federal planning affecting our county for the past two years. I have personal experience regarding the deficiencies of NEPA CEQ regulations as they impact and fail regarding the needs and interests of local governmental entities and the residents they represent. Five factors are particularly important regarding federal NEPA planning impacts:

1. Economic impacts
2. Cultural impacts
3. Early planning participation
4. Consistency with local planning
5. Lack of compliance with NEPA statutory and regulatory mandates

Economic impacts and the ability to utilize resources on a sustainable basis are vital to the survival of rural Americans depending on federal lands making up approximately ninety percent (90%) of their county's geography. Economic and cultural (socio-economic) impacts are always procedurally mentioned in federal planning but seldom meaningfully considered. For example, a recent Grand Staircase-Escalante National Monument (GSENM) Environmental Assessment (EA-UT-030-02-005), in attempting to permanently eliminate 16,729 animal unit months (AUMs) of livestock grazing from the monument, analyzed only the economic loss of \$1,585.07 in grazing fees resulting from the federal planning action. The county economic consultant, however, estimated the actual annual economic loss to Kane and Garfield Counties to be from \$5.2 to \$6.8 million dollars, from 115 to 150 lost jobs and from \$295,916 to \$386,260 in lost sales tax revenues. No effort was made by the monument staff to resolve this multi-million dollar discrepancy and the EAs are in the hands of the Protest Coordinator in Washington D.C. as a result of this and other inconsistencies.

Cultural impacts are clearly addressed in the Kane County General plan and include ranching and agricultural pursuits, access, water and property rights, recreational activities, hunting and wood gathering; in short, the ability to enjoy a rural lifestyle. However, heritage, tradition and culture are routinely ignored in NEPA planning.

Early planning participation is also evaded in NEPA planning. A federal agency manager recently told the Kane County Resource Development Committee that the county was not qualified to conduct planning with his scientists. That position is questionable, particularly regarding socio-economic issues. Federal law provides for early planning cooperation but those options are seldom, if ever, utilized. Instead, local

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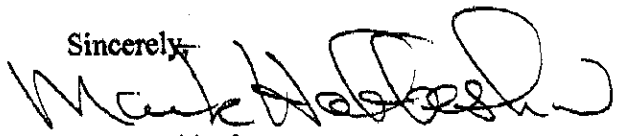
governmental entities are mailed draft EAs after planning alternatives are developed. By then the preferred alternative has been selected and further comment and participation is a mere formality, as the preferred alternative is always selected in the final decision. Local government should participate in NEPA planning during alternative development if local interests are to be meaningfully considered.

Criteria requiring consistency with local planning to the greatest extent possible have no meaning under the current CEQ regulations. EA authors simply state that they are "consistent to the greatest extent possible" without consultation or efforts to resolve consistency issues. Local government has little recourse when federal agency planners ignore consistency issues.

Local government has no real recourse regarding lack of compliance with NEPA statutory and regulatory mandates under the current CEQ regulations. Early participation status and a consistency review form signed by a representative of the local governmental entity should be required as part of the NEPA planning action and documentation. An administrative resolution process should be developed providing for a checks and balance short of expensive litigation regarding issues of non-compliance. Federal planners know that a rural governmental entity does not have the tax base to legally challenge arbitrary federal action and no individual accountability exists assuring fair and equitable treatment by federal planners and authorized officers. Attitudes such as, "we do it because we can" and "so sue me" develop as a result.

Summary: Congress intended NEPA to provide for a reasonable balance between multiple use, sustained yield and resource protection, as does other federal law. Social, economic and other requirements of present and future generations of Americas, in productive harmony with environmental health, allows for the widest range of beneficial uses of the environment without degradation. CEQ regulations providing checks and balances regarding the five issues addressed in these comments would allow for a protected environment while providing for the sustainability of rural America and for Americans that value that quality of life.

Sincerely,



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